


F A C S I M I L E

CORPORATE INTELLECTUAL PROPERTY

To: Examiner Betancourt

Facsimile Number: (571) 273-0509

From: Theresa Papale for 
Wayne J. Dustman

Phone Number: 610-270-5023

Facsimile Number: 610-270-5090

Date: June 28, 2004

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Message: Re: Attorney Docket No. P31220-X2-C2
U.S. Application No. 10/024,858

Dear Examiner Betancourt,

Per your request, please find transmitted herewith a copy of the Terminal Disclaimer originally submitted in the above application on June 9, 2004.

Please contact me if I can be of any further assistance

Kind regards,
-Wayne Dustman
Attorney for Applicants
Registration No. 33,870

Facsimile Transmitted on June 9, 2004

Attorney Docket No. P31220X2C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leonard et al. June 9, 2004
Serial No.: 10/024,858 Group Art Unit No.: 1615
Filed: December 18, 2001 Examiner: Humera Sheikh
For: PAROXETINE CONTROLLED RELEASE COMPOSITIONS

TERMINAL DISCLAIMER UNDER 37 CFR §1.321

To the Commissioner for Patents:

Your petitioner, SmithKline Beecham p.l.c., a corporation organized under the laws of Great Britain and having its principal place of business at Great West Road, Brentford, Middlesex, TW8 9GS, United Kingdom, represents that it is the assignee as recorded on August 26, 1997, Reel 8705, Frame 0008, two pages, of application Serial Number 08/817,911, filed on the 26th day of August, 1997 for "Paroxetine Controlled Release Compositions".

Your petitioner, SmithKline Beecham p.l.c., hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 USC 154 and 156 and of the term as presently shortened by any terminal disclaimer of United States Patent No. 6,548,084, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,548,084. This agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

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Serial No.: 10/024,
Group Art Unit No.: 1615

In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the earlier of the full statutory term defined in 35 USC 154 and of the term as presently shortened by any terminal disclaimer of United States Patent No. 6,548,084 in the event that United States Patent No. 6,548,084 is abandoned, expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise not deemed to provide the rights conveyed by 35 USC 154 prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. This disclaimer shall not be effective against any patent term extensions obtained under 35 USC §156 for any patent granted on the above-identified application.

Please charge the \$110.00 fee required by this Petition under 37 CFR 1.20(d) to Deposit Account Number 19-2570.

Also should the Commissioner determine that said fee is not sufficient to have the petition entered, the Commissioner is hereby authorized to charge any such fee that may be required by this petition or to credit any over payment to said deposit account.

Respectfully submitted,



Wayne J. Dustman
Attorney for Applicants
Registration No. 33,870

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5023 Fax (610) 270-5090

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